

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Action/Discussion Item:**

703 KAR 5:080, Administration Code for Kentucky's Educational Assessment Program (Final)

#### **Applicable Statute or Regulation:**

KRS 158.6453, 703 KAR 5:080

#### **Action Question:**

Should the Kentucky Board of Education (KBE) give final approval to 703 KAR 5:080?

#### **History/Background:**

***Existing Policy.*** The administrations of state-required assessments, both custom and purchased assessments, require that Kentucky educators adhere to appropriate and consistent testing practices. The use of assessment results in state and federal accountability calculations heightens the importance of statewide consistent administration practices. 703 KAR 5:080 incorporates by reference the document, *Administration Code for Kentucky's Educational Assessment Program*, that establishes appropriate testing practices for state-required assessments.

Annually, educators involved with administration activities for any state-required assessment must be trained on this regulation and certify with signature that they have read and will comply with the requirements of the regulation. In addition to the regulation, a test administration manual accompanies each assessment and provides specific directions for preparation of the test environment and test administration. Also, the regulation outlines an allegation process for reporting incidents where educators do not follow the requirements of the regulation.

The last revision to 703 KAR 5:080 was in June 1999. A new Commonwealth Accountability Testing System requires that appropriate testing practices be updated.

#### **Policy Issue (s):**

Proposed changes to the Administration Code clarify areas where frequent questions are received, and update or remove statements that do not apply to the current system. Many of the proposed changes will place within the regulation operational policies that have developed since inception of the CATS in 1999.

One section of the regulation, Classroom Materials, has generated much discussion and conflicting opinions among stakeholders. The School Curriculum, Assessment and

Accountability Council (SCAAC), The Kentucky Association of Assessment Coordinators (KAAC) and the District Assessment Coordinators Advisory group advocate the complete removal of classroom materials (i.e., posters) during test administration to prevent inappropriate use. The Local Superintendents Advisory Council (LSAC) was concerned that removal of classroom materials changes the class environment too dramatically and places an extra burden on teachers.

During the first KBE review of 703 KAR 5:080 in June, staff had proposed that classroom materials displayed to support instruction may remain during test administration, but students shall not access the materials during testing. New language was proposed that required student use of posters during testing be eliminated. This position maintained the original intent of the Administration Code.

During conversation with the Board, several members expressed concerns about posters and other classroom materials remaining on display during testing. The amount of materials displayed in classrooms and the pressure teachers feel to post materials was mentioned specifically during the discussion.

KBE asked that staff research how other states handle the display of classroom materials during test administration. Staff located information through websites or by e-mail and phone contact with other state departments of education. Staff has gathered information from each of the 49 states and the District of Columbia. Only two of 50 have no requirements or prohibitions regarding the posting or displaying of classroom materials during test administration—Nebraska and North Dakota.

Nine states have partial prohibitions on the use of posters. Six of these nine (Idaho, Maine, Mississippi, Utah, Washington and Wyoming) do not allow materials or posters containing content that will be assessed, materials that aid testing taking or the addition of materials on test day. The other three states have a variety of limits such as posters distributed by the state department of education may remain (Florida); materials may be on walls, but not student desks (Wisconsin); or no step-by-step instruction for answering test questions or definitions of root words in reading (Indiana).

The remaining 38 states and District of Columbia require classroom materials to be covered or removed during test administration.

### **Staff Recommendations and Rationale:**

Based on the June conversations with KBE, research on classroom material rules in other states, and the original recommendations of SCAAC and groups of District Assessment Coordinators, staff recommends that classroom materials with content or strategies for solving problems be covered or removed during test administration. The recommendation allows periodic tables or materials without content or strategies for solving problems to remain.

The implementation of this recommendation is the only substantive change made in the proposed regulation between the two readings (review and action). This change is identified with **bold** font in the final proposed version of the regulation. The change is

located in the Classroom Materials section at the bottom of page 7 and top of page 8. Language in the review version of the regulation that is no longer applicable with the new recommendation has been removed.

To comply with regulatory language requirements, two references to specific documents have been deleted. One deletion has been made to the original language of the regulation. The deletion is shown on page 14 with a strikethrough and in **bold** font. The second deletion was in proposed new language and is simply removed from the revision. The specific documents referenced provide annual directions and information about writing portfolios and the alternate assessments. The two documents are not appropriate for inclusion in the regulatory process.

**Groups Consulted and Brief Summary of Responses:**

Staff established a work team including school and district personnel and KDE staff from other offices. Administration Code issues have been discussed with District Assessment Coordinators, the School Curriculum, Assessment and Accountability Council (SCAAC) and the Local Superintendents Advisory Council (LSAC). Staff will continue to seek input that can be shared in August.

**Impact on Getting to Proficiency:**

Holding schools accountable for progress is a key element in meeting proficiency by 2014. As we move closer to 2014 it becomes increasingly important for schools to thoroughly understand the requirements of the assessment and accountability system including administration rules so that schools may focus their efforts on ensuring every child is proficient and prepared for success.

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**Deputy Commissioner**

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**Commissioner of Education**

**Date:**

August 2008